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| 10/748,435      | 12/31/2003  | Andrew J. Polcha     | IQB-0021 (2203.0021C) | 2358             |

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| EXAMINER |
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BLUDAU, BRANDON S

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| ART UNIT | PAPER NUMBER |
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2132

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
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| 3 MONTHS                               | 04/02/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/748,435 | <b>Applicant(s)</b><br>POLCHA ET AL. |  |
|                              | <b>Examiner</b><br>Brandon S. Bludau | <b>Art Unit</b><br>2132              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-43 and 45-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 and 45-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-43 and 45-54 are examined. The Examiner notes that there is no claim 44 listed.

#### ***Claim Objections***

2. Claim 6 is rejected because of the following informalities: there is no antecedent basis for "the predetermined distortion pattern". Appropriate correction is required.
3. Claim 12 is objected to because of the following informalities: line 2 reads "a respectively plurality", there is a problem with the grammar; the Examiner proposes "a respective plurality", however, the Examiner objects to the respective plurality because there is no prior mention of a plurality, so the "respective" relationship is unclear. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 9-38, 40-43, 45-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Bolle (US PgPub 2004/0019570).
5. As per claim 1, Bolle discloses an access control method, comprising:

receiving a signal indicative of a combination of two or more unique identity attributes, at least one of the unique identity attributes corresponding to a biometric of a person ([0112] wherein the identity attributes are the ID and the biometric are combined in the signal);

comparing the signal to one or more identity patterns ([0111]); and

controlling access to a restricted item based on results of the comparing step ([0111] and [0118]).

6. As per claim 2, Bolle discloses the method of claim 1, wherein the restricted item is an area subject to restricted access [0118].

7. As per claim 3, Bolle discloses the method of claim 1, wherein the restricted item is a system subject to restricted access [0118].

8. As per claim 4, Bolle discloses the method of claim 1, wherein the controlling step includes: granting access to the restricted item if there is a match in the comparing step [0111].

9. As per claim 5, Bolle discloses the method of claim 1, wherein another one of the unique identity attributes is a predetermined distortion pattern, said signal indicative of a distortion of the biometric using the predetermined distortion pattern [0044] and [0111].

10. As per claim 6, Bolle discloses the method of claim 1, wherein the predetermined distortion pattern includes a non-linear distortion pattern [0084]-[0109].

11. As per claim 8, Bolle discloses the method of claim 1, wherein the biometric is one of an eye pattern, fingerprint, palm print, voice, handwriting sample, face, and DNA sample ([0073]).

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12. As per claim 9, Bolle discloses the method of claim 1, wherein said one or more identity patterns are stored in a database [0110].

13. As per claim 10, Bolle discloses the method of claim 1, wherein said one or more identity patterns are stored in a memory chip [0110] (The Examiner takes official notice that it is well known in the art for systems to include a local memory such as a memory chip for storing authentication data used to grant access. Motivation for using a local memory may be determined by the embodiment, but would eliminate the need of receiving authentication data over a network to be used for comparison. Such motivation would have been readily apparent to one of ordinary skill in the art.)

14. As per claim 11, Bolle discloses the method of claim 1, wherein the controlling step includes: denying access to the restricted item if no match occurs in the comparing step [0111].

15. As per claim 12, Bolle discloses the method of claim 5, further comprising: generating the identity patterns by distorting biometrics of a respectively plurality of persons using the distortion pattern ([0083] and [0110] wherein the database necessarily implies a distortion pattern for a plurality of persons, moreover, nothing precludes Bolle from using the same distortion pattern on each persons biometric, the Examiner argues this to be a design choice).

16. As per claim 13, Bolle discloses the method of claim 12, further comprising: defining new access requirements by changing at least one of the unique identity attributes ([0086] lines 12-15).

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17. As per claim 14, Bolle discloses the method of claim 13, wherein the defining step includes: changing said at least one of the unique identity attributes to a new biometric ([0014] the Examiner notes that Bolle doesn't disclose this as an intended step, but it would have been obvious to do so in view of the disclosure of Bolle as cited).

18. As per claim 15, Bolle discloses the method of claim 13, wherein the defining step includes: changing the distortion pattern to a new distortion pattern ([0086] lines 12-15).

19. As per claim 16, Bolle discloses the method of claim 15, wherein the changing step includes: generating a new signal for comparison to one or more identity patterns by applying the new distortion pattern to the biometric of the person [0086].

20. As per claim 17, Bolle discloses the method of claim 13, further comprising: selecting another distortion pattern to alter access to the restricted item; generating new identity patterns by distorting the biometrics of said persons using the other distortion pattern; and controlling access to the restricted item based on the new identity patterns [0086].

21. As per claim 18, Bolle discloses the method of claim 17, wherein the selecting, generating, and controlling steps are performed in response to a breach in security ([0086] wherein the breach in security is the compromising of the distortion function).

22. As per claim 19, Bolle discloses the method of claim 18, wherein the breach in security includes theft of distorted biometric information designated in at least one of the identity patterns (The Examiner asserts that in view of the background art, Bolle necessarily intends the compromising of a data as the theft of the distorted biometric).

23. As per claim 20, Bolle discloses the method of claim 13, wherein the defining step includes: automatically changing at least one of the unique identity attributes on a periodic basis; and controlling access to the restricted item based on a result of the comparing step performed using said at least one changed unique identity attribute ([0083] lines 5 and 6 wherein "at different times" may necessarily be obvious over, if not interpreted as, a periodic change).

24. Claims 21-24 are rejected because they disclose substantially similar subject matter to claims 1-4 wherein the biometric cited in claim 1 is a distorted biometric as similarly rejected in claim 5.

25. Claim 25 is rejected because it discloses substantially similar subject matter to claim 8.

26. Claim 26 is rejected because it discloses substantially similar subject matter to claim 6.

27. Claim 27 is rejected because it discloses substantially similar subject matter to claim 11.

28. Claims 28-33 are rejected because they disclose substantially similar subject matter to claims 21-26 respectively.

29. Claims 34-36 are rejected because they disclose substantially similar subject matter to claims 1-3 respectively.

30. Claims 37 and 38 are rejected because they disclose substantially similar subject matter to claims 5-6 respectively.

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31. Claims 40-42 are rejected because they disclose substantially similar subject matter to claims 8-10 respectively.

32. Claims 43-46 are rejected because they disclose substantially similar subject matter to claims 4-6 respectively.

33. Claim 47 is rejected because it discloses substantially similar subject matter to claim 5.

34. Claim 48 is rejected because it discloses substantially similar subject matter to claim 12.

35. Claim 49 is rejected because it discloses substantially similar subject matter to claim 9.

36. Claims 50-51 are rejected because they disclose substantially similar subject matter to claims 17-18 respectively.

37. Claim 52 is rejected because it discloses substantially similar subject matter to claim 21.

**38.** As per claim 53, Bolle discloses an access control system, comprising: a receiver which receives a modulated biometric; and a processor which compares the modulated biometric to one or more identity patterns and controls access to a restricted item based on results of said comparison (see claim 1 or 21 and [0103]).

**39.** As per claim 54, Bolle discloses an access control system, comprising: a receiver which receives an encoded biometric; and a processor which compares the encoded biometric to one or more identity patterns and controls access to a restricted item based on results of said comparison (see claims 1 and 21).



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

40. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolle(US PgPub 2004/0019570) and further in view of Bradford (US Patent 6612928).

As per claim 7, Bolle discloses the method of claim 1, but does not disclose wherein another one of the unique identity attributes is another biometric of the person, said signal indicative of a combination of the two biometrics.

Bradford discloses a method of authentication using a signal indicative of a combination of two biometrics (column 22 lines 13-24).

Bradford is analogous art because it is directed to a method of granting access based on biometric data.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bolle to include a method of granting access based on a combination of two biometrics.

Motivation for one of ordinary skill in the art to modify Bolle as discussed above would have been to provide an authentication method of greater security as implied by Bradford column 22 line19.

41. Claim 39 is rejected because it discloses substantially similar subject matter to claim 7.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Forrest (US PgPub 20030088782), Tattan (US PgPub 20040250085) Scheidt (US PgPub 2005/0235148), Kuepper (US Patent 7092553).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Bludau whose telephone number is 571-272-3722. The examiner can normally be reached on Monday -Friday 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon S Bludau  
Examiner  
Art Unit 2132

DB  
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